IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 62 OF 2001
IN
COMPANY PETITION NO. 7 OF 1998

OFFICIAL LIQUIDATOR HIGH COURT OF BOMBAY PANAJI ... Applicant

Versus

VIRAJ G.DANGUI & ORS. ... Respondents

Ms. Amira Razaq, Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 22nd June, 2007

P.C.:-

Heard Ms. Amira Razaq, the Learned Counsel on behalf of the Applicant.

All the respondents were duly served with summons but have chosen not to contest the claim.

Applicant's claim for Rs.1,15,844.50 as on 1.1.1999 arises out of two loans given to respondent no.1 by the Company in liquidation vide his applications dated 28.7.1997 and 22.11.1997.

On behalf of the Applicant, affidavit in evidence of Shri Vilas Sambhaji Hajare, Senior Technical Assistant, in the Office of the Applicant has been filed who alongwith his affidavit has produced a loan application for Rs.1,00,000/- duly signed by respondent no.1 as borrower and respondent nos. 2 and 3 as sureties. He has also produced a promissory note for Rs.1,00,000/-, dated 28.7.1997 duly signed by all the respondents. He has produced another agreement of loan dated 28.7.1997

executed pursuant to the application for loan dated 24.7.1997, duly signed by respondent no.1 as borrower and respondent nos. 2 and 3 as sureties. A declaration signed by all the respondents stating that respondent no.1 had availed of loan of Rs.1,00,000/- has also been filed. Likewise, another agreement for loan signed by the respondent no.1 has been produced dated 22.11.1997 and alongwith it a promissory note signed by respondent no.1.

A copy of the loan ledger, jointly maintained for both the loan accounts has also been produced. On the basis of the affidavit and documents produced the claim of the Applicant is decreed. The respondents shall jointly and severally pay to the Applicant the sum of Rs.1,00,000/- with pending interest at the rate of 20.5% p.a. from 5.8.1997 and future interest at the rate of 6% p.a. Likewise, respondent no.1 shall pay the sum of Rs.10,000/- with pending interest at the rate of 20.5% p.a. from 22.11.1997 and future interest at the rate of 6% p.a. Payments made by the respondents, if any, shall be adjusted in calculating the aforesaid amount. The claim is decreed with costs of Rs.5,000/- to be paid by all the respondents jointly and severally.

N. A. BRITTO, J.

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